



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 133

2 AMENDMENT NO. _____. Amend Senate Bill 133, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Mercury-Free Vaccine Act is amended by
6 changing Sections 5 and 10 and by adding Section 15 as follows:

7 (410 ILCS 51/5)

8 Sec. 5. Banned mercury-containing vaccines.

9 (a) Commencing January 1, 2006, a person shall not be
10 vaccinated with a mercury-containing vaccine that contains
11 more than 1.25 micrograms of mercury per dose.

12 (b) Commencing January 1, 2008, no person shall be
13 vaccinated with a vaccine or injected with any product that
14 contains, or prior to dilution, had contained as an additive,
15 any mercury based product, whether at preservative or trace
16 amount levels.

1 (c) The Department of Public Health shall implement a
2 policy to distribute, preferentially, influenza vaccines that
3 are thimerosal-free or contain only trace amounts of thimerosal
4 for the immunization of children under the age of 3 who are
5 participating in the Vaccines for Children program, provided
6 that the supply of influenza vaccines to health care providers
7 is not impeded by the exercise of this preference. The
8 Department shall annually communicate this policy to the
9 General Assembly and health care providers.

10 (Source: P.A. 94-614, eff. 1-1-06.)

11 (410 ILCS 51/10)

12 Sec. 10. Exemption. The Department of Public Health may
13 exempt the use of a vaccine from this Act if the Department
14 finds that an actual or potential bio-terrorist incident or
15 other actual or potential public health emergency, including an
16 epidemic or shortage of supply of a vaccine at a reasonable
17 cost that would prevent a person from receiving the needed
18 vaccine, makes necessary the administration of a vaccine
19 containing more mercury than the maximum level set forth in
20 subsection (a) or subsection (b) of Section 5 in the case of
21 influenza vaccine. The exemption shall meet all of the
22 following conditions:

23 (1) The exemption shall not be issued for more than 12
24 months.

25 (2) At the end of the effective period of any

1 exemption, the Department may issue another exemption for
2 up to 12 months for the same incident or public health
3 emergency, if the Department makes a determination that any
4 exemption is necessary as set forth in this Section and the
5 Department notifies the legislature and interested parties
6 pursuant to paragraphs (3), (4), and (5).

7 (3) Upon issuing an exemption, the Department shall,
8 within 48 hours, notify the legislature about any exemption
9 and about the Department's findings justifying the
10 exemption's approval.

11 (4) Upon request for an exemption, the Department shall
12 notify an interested party, who has expressed his or her
13 interest to the Department in writing, that an exemption
14 request has been made.

15 (5) Upon issuing an exemption, the Department shall,
16 within 7 days, notify an interested party, who has
17 expressed his or her interest to the Department in writing,
18 about any exemption and about the Department's findings
19 justifying the exemption's approval.

20 (6) Upon issuing an exemption, the Department shall
21 remind health care providers to distribute,
22 preferentially, influenza vaccines that are
23 thimerosal-free or contain only trace amounts of
24 thimerosal for the immunization of children under the age
25 of 3, provided that the supply of influenza vaccines to
26 health care providers is not impeded by the exercise of

1 this preference.

2 (Source: P.A. 94-614, eff. 1-1-06.)

3 (410 ILCS 51/15 new)

4 Sec. 15. Notification. The Department of Public Health
5 shall annually notify health care providers about the
6 requirements of this Act and encourage health care providers to
7 increase immunization rates among persons who are recommended
8 to receive influenza immunization, using all licensed
9 vaccines, with preference given to influenza vaccines that are
10 thimerosal-free or contain only trace amounts of thimerosal.
11 The Department shall include this annual notification on its
12 Internet web site. The Department shall annually report to the
13 General Assembly, on or before December 31, on its efforts to
14 inform health care providers about thimerosal-free vaccines."